

## **REMARKS**

### **Formal Matters**

Claims 1-8, 10-12, 15, 18 and 20 are pending after entry of the amendments set forth herein.

Claims 9, 13-14, 16-17 and 19 have been canceled without prejudice to the possibility of filing one or more continuing applications directed to the subject matter recited therein.

Claims 1-8, 10-12, 15 and 17-20 were examined. Claims 1-8, 10-12, 15 and 17-20 were rejected.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

### **The Telephone Interview**

Applicants wish to extend their appreciation to the Examiner for the courtesy provided to Applicants' representative during the telephone interview of January 31, 2008. During the Interview, it was agreed that the rejection of claims 17-20 under 35 U.S.C. Section 112, 1<sup>st</sup> paragraph would be withdrawn, without requirement of further amendment, since the phrases rejected were disclosed in the original specification. With regard to the rejections under 35 U.S.C. Section 112, 2<sup>nd</sup> paragraph, the Examiner agreed that the deletion of "a large fraction" above to be replaced by reciting that the probes indiscriminately hybridize, under stringent conditions, to specific target molecules, would overcome this ground of rejection. As to the recitation of "almost all of the target molecules" in claims 17 and 19, Applicants' representative agreed to cancel these claims without prejudice, in order to advance the prosecution of the present application. .

This account is believed to be a complete and accurate summary of the interview as required by 37 C.F.R. § 1.133. If the Examiner believes that this summary is inaccurate or incomplete, Applicants respectfully request that the Examiner point out any deficiencies in his next communication so that Applicants can amend or supplement the interview summary.

**The Office Action**

**Claims Rejected Under 35 U.S.C. Section 112, First Paragraph**

In the Official Action of November 16, 2007, claims 17-20 were rejected under 35 U.S.C. Section 112, first paragraph as failing to comply with the enablement requirement. Applicants respectfully submit that, contrary to the Examiner's assertion, that the specification indeed does provide adequate support for the phrases rejected, at page 25, line 27 and at page 27, line 22 of the specification, respectively. The Examiner agreed to withdraw this ground of rejection as inappropriate during the telephone interview discussed above.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 17-20 under 35 U.S.C. Section 112, first paragraph, as being improper.

**Claims Rejected Under 35 U.S.C. Section 112, Second Paragraph**

Claims 1-8, 10-12, 15 and 17-20 were rejected under 35 U.S.C. Section 112, second paragraph as being indefinite. In regard to claims 1 and 10, Applicants have amended these claims above to delete "large fraction" and replace this phrase with a recitation that the calibrating probes indiscriminately hybridize, under stringent conditions, to specific target molecules. Support for this amendment can be found, for example, at page 36, lines 1-10 of the specification and throughout the specification. During the telephone interview mentioned above, the Examiner agreed that these amendments would overcome this ground of rejection.

With regard to the rejection of claims 17 and 19, without acquiescing thereto, Applicants have canceled these claims above, without prejudice to the possibility of filing one or more continuing applications directed to the subject matter recited therein, in order to advance the prosecution of the instant application.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-8, 10-12, 15 and 18 and 20 (claims 17 and 19 having been canceled without prejudice) under 35 U.S.C. Section 112, second paragraph, as being indefinite, as being no longer appropriate.

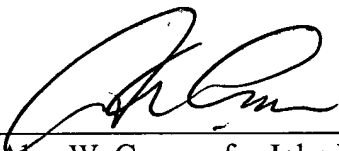
**Conclusion**

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078, order number 10020405-1.

Respectfully submitted,

Date: 2/11/08

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